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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,809	07/20/2004	Jerker Lundgren	ALBIHN W 3.3-454	6597
530 7590 08/24/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER LAUX, JESSICA L	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/501,809	LUNDGREN, JERKER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jessica Laux	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/20/2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/20/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 6-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim (claim 4 in the instant application) cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, claims 6-8 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "coupling organs (43)" in lines 20-21) and "retaining device (23)" in line 21. There is insufficient antecedent basis for this limitation in the claim. The claim previously refers to "attachment devices (23)", resulting in confusion regarding the retaining and attachment devices (i.e. are they the same or different elements, if they are the same then applicant must use consistent terminology). Due to the confusion regarding the retaining/attachment device and the coupling organs (38) and (43) the limitations in the claim recited in lines 26-29 are indefinite and unclear. An examination of the claims, as best understood, is presented below.

Claims 1, 3 and all claims depending therefrom, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the attachment device (23) comprises attachment elements (12) which have

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organs (38) for coupling to the organs (43) of the retaining device (23). (i.e. how does a coupling organ of a larger device connect to coupling organs of said larger device?)

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Watanabe (6289646).

Regarding claim 1 (as best understood): Watanabe discloses a paneling system for buildings, comprising a number of module elements (for example figure 5B, 72) arranged to be joined to parts that are part of a building without intermediate framework, which parts may be facades, glazings, roofs or partition walls which are supported by the frame (6) of the building where the elements each comprises a sheet (for example 72), which sheet, when it is a part of the intended building part, is joined with the frame of the building by means of:

supporting elements (3) arranged in such a way that the sheet is supported at its downwards facing edge by the same for absorbing the weight of the module element and for retaining in an intended position in relation to the frame against forces, which may strive to bring the respective element out of this intended position (figure 5B);

by means of attachment devices (2) supported by the frame (figure 5B), which each one is arranged to be joined with the sheet by means of:

attachment elements (4) which are U-shaped and form a groove arranged to grip around an edge of the sheet (figure 5A), characterized in that the attachment elements are arranged with organs (41) for coupling the attachment elements to the coupling organs (21, 23) on the respective retaining device (4) for thereby connecting the attachment element with the frame;

where the module elements are capable of being arranged with the attachment elements attached before being mounted on the building frame (as seen in figure 5A), which thus form a handling protection against damages on the edge of the sheet, and with said retaining devices arranged to be mounted on the frame and then with their coupling organs brought in positions corresponding to those positions, which the coupling organs shall take to the attachment elements of the respective sheet when the sheet is positioned in said intended position, such that the module elements may be mounted from the inside of the building part by connection of the coupling organs, the associated respective retaining devices, with the coupling organ of the respective attachment element (as seen in figures 5A-C).

Regarding claim 2 (as best understood): The system for buildings according to claim 1, characterized in that the frame is arranged with connection units (22, 222), which each one is attached to the frame (via element 2) and is equipped partly with said supporting element (figure 5B), which are arranged to support the respective lower edge

with one of the ends of two sheets which side edges are adjacent to each other, which sheet's corners thus are positioned close by the connection unit and partly equipped with said retaining devices which are arranged to, with their coupling organs, be coupled to the coupling organs belonging to the attachment elements on said adjacent sheets and/or the sheets that are positioned closest above these sheets (figures 5A-C).

Regarding claim 3: The system according to claim 2, characterized in that the retaining devices comprise arms (the U-shaped elements and also elements 41, 411, 412), which extend out from the respective connection unit with the arms at its outer edges (41, 411, 412) at a distance from the connection unit arranged with said coupling organ for connection to the coupling organs of the attachment elements, which are placed on said sheets positioned with its corners close by the connection unit in question, such that the connection unit, at a placement in the intersection point between four adjacent module elements, provides, for support against gravitational forces from two module elements placed above it, and retaining of these and/or the module elements placed beneath, against forces directed inwards against and outwards from the building frame.

Regarding claim 4: The system according to any of the claims 1-3, characterized in that the attachment elements consist of a hard material such as metal (Col. 5, lines 33-35) and are U-shaped with an outer flange part, formed by a main part of the attachment element, and with a flange that is united with the main part by means of a waist, which between themselves form said groove, arranged to grip around an edge of the sheet of the module element (figure 3A, element 3), with the surface of the main part

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situated inside the groove opposite to the surface of the sheet that faces the frame and the surface of the flange situated inside the groove which surface is opposite to the surface of the sheet that faces outwards from the frame, where the surfaces inside the groove are formed to be in contact with the sheet along contact lines which are opposed to each other at a distance from the edge of the sheet (as seen in figure 5A), while the groove outside these contact lines in a direction against the waist of the attachment element has a play between the sheet and the hard material of the attachment element.

Regarding claim 5: The system according to claim 4, characterized in that the flange of the attachment element is made in such a way that its outer edge is in contact with the surface of the sheet (figure 5A), but leaves said play to the same at its part connected to the waist and that the flange is dimensioned to admit a certain spring action, thus acquiring a limitation of the break forces at angular movements between the attachment element and the sheet by partly the play between the surfaces of the sheet and the attachment element and partly by the possibility of outwards springing of the flange (figures 5A-C).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/J. CHAPMAN/  
PRIMARY EXAMINER  
ART UNIT 3635

JL  
08/13/2007